GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute :—Industrial Dispute between the Workmen and the Management of the Bangalore, Woollen, Cotton and Silk Mills, Bangalore.

Award of the Industrial Tribunal, Bangalore published.—
Read the following Papers :—

1. Letter No. 1294-5/67-68, dated 20th November 1967, from Shri A. Panchakshariah, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 20th November 1967.

Present

Sri A. Panchakshariah, B.A. (Hons.), LL.B. ... Presiding Officer,

I. D. No. 33 of 1964.
I. D. No. 8 of 1963.

The Workmen of the Bangalore Woollen, Cotton and Silk Mills, Bangalore. ... *I Party.*

Vs.

The Management of the Bangalore, Woollen, Cotton and Silk Mills Co. Ltd. Bangalore. ... *II Party.*

Appearances.

For the I Party.—Sri S. Venkatram, Vice-President, the Bangalore Woollen, Cotton add Silk Mills, Co. Ltd., Staff Association, Cottonpet Main Road, Bangalore-2.

For the II Party.—Sri D. Sadagopan, Assistant Personnel Officer, the Bangalore Woollen, Cotton and Silk Mills Co. Ltd., Bangalore-23.

Reference :

(G. O. No. PLM 538 LLD 62, dated 20th March 1963)

AWARD.

The workmen of the Bangalore Woollen, Cotton and Silk Mills Co. Ltd., Bangalore-23, represented by the Bangalore Woollen, Cotton and Silk Mills, Co. Ltd., Staff Association, Cottonpet, Bangalore, had represented some demands to the Management of the Bangalore Woollen, Cotton and Silk Mills, Bangalore. Those demands are in relation to the Privilege Leave of one month in a year with pay, Casual leave of 12 days in a year with pay and sick leave of 30 days in a year with full pay less E. S. I. Benefit. On all these demands, conciliation took place, but no settlement was arrived during the conciliation. A failure report was sent by the Conciliation Officer to the Government and the Government of Mysore referred these disputes for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947, in their Order No. PLM 538 LLD 62, dated 20th March 1963. After the Reference was received, the same was registered as I. D. No. 8 of 63 and a notice was issued to the I Party to file the claim statement in support of their demands. The I Party filed the claim statement on 6th April 1963 through the President of the Staff Association, Bangalore. A rejoinder was filed by the II Party on 30th April 1963 and after a supplementary rejoinder was also filed by the II Party on 20th May 1963. On the basis of those pleadings, the then Presiding Officer framed four Issues. Issues Nos. 1,2 and 3 were set down for arguments as preliminary Issues. Issues Nos. 1,2 and 3 are legal Issues the proof or non-proof of which the jurisdiction of this Tribunal to entertain the dispute would be affected. After hearing arguments, the then Presiding Officer, found all the three Issues against the II Party and posted the case for trial on merits. The II Party challenged the findings of the Tribunal in W. P. No. 1985/63 before the High Court of Mysore. When the Writ Petition was pending before the High Court, the case was transferred to the file of the Additional Industrial Tribunal, and the same was registered as I. D. No 29 of 1963. Later on, it was again transferred to this Tribunal *vide* G. O. No. PLM 210 LLE 64 dated 26th September 1964 and the same was renumbered as I. D. No. 33 of 1964. The High Court of Mysore dismissed the Writ Petition and upheld the findings of this Tribunal. Against this finding, the II Party went in appeal to the Supreme Court in Civil Appeal No. 501 (NL) of 1966. The Supreme Court concurred with the findings of this Tribunal and the High Court on Issue No. 2 but disagreed with the findings of both the Courts on

Issues Nos. 1 and 3 and held that the Tribunal has no jurisdiction to proceed with the trial of I. D. No. 8 of 1963 in view of the Ext. M. 6 *i e.* the Award in I. C. 11 of 1965. In view of the findings of the Supreme Court, the case cannot proceed further and the demands narrated in the Order of Reference cannot be gone into. In the result, this Reference is rejected. Under the circumstances, each Party will bear his own cost.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal, Bangalore.

ORDER

Bangalore, dated 24th November 1967

S. O. 2258.—WHEREAS by State Government Order No. PLM 538 LLD 62, dated 20th March 1963, the Industrial Dispute between the Workmen and the Management of the Bangalore, Woollen, Cotton and Silk Mills, Bangalore, was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 538 LLD 62.]

By Order and in the name of the Governor of Mysore,

1509 G. G. PUROHIT, *Under Secy.*